

**UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*

Debtors.¹

PROMESA

Title III

No. 17 BK 3283-LTS
(Jointly Administered)

**FIFTH NOTICE OF CORRESPONDENCE REGARDING NOTICES OF INTENT TO
PARTICIPATE IN CONFIRMATION DISCOVERY**

¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number listed as a bankruptcy case number due to software limitations and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (iv) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17 BK 4780 (LTS)) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

To the Honorable United States District Judge Laura Taylor Swain:

The Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as sole Title III representative of the Commonwealth of Puerto Rico (the “Commonwealth”), the Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”), and the Puerto Rico Public Buildings Authority (“PBA,” and together with the Commonwealth and ERS, the “Debtors”) pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”),² respectfully states as follows:

1. On August 2, 2021, the Court entered the *Order Establishing Procedures and Deadlines Concerning Objections to Confirmation and Discovery in Connection Therewith* [ECF No. 17640] (the “Confirmation Procedures Order”). Therein, the Court set August 15, 2021 as the deadline for creditors who intend to serve discovery requests in connection with confirmation of the plan of adjustment to file a “Notice of Intent to Participate in Discovery,” also known as a “Discovery Notice” (each as defined in the Confirmation Procedures Order). Confirmation Procedures Order at 3. The Court also set October 19, 2021 as the deadline for creditors who do not intend to serve discovery requests to file a “Notice of Intent to Participate in Discovery” in order to gain access to the Plan Depository. *Id.*

2. Although the Notice of Intent to Participate in Discovery instructs creditors who are represented by counsel to file their notices using CM/ECF, and instructs creditors who are not represented by counsel to “mail the Notice to the Court’s Clerk’s Office” (*see Notice of Entry of Order Establishing Preliminary Confirmation Submission and Discovery Procedures, and Directing Notice to Creditors of the Same*, ECF No. 17431-1 at 3), the Oversight Board received and continues to receive via mail completed Notices of Intent to Participate in Discovery.

² PROMESA has been codified at 48 U.S.C. §§ 2101-2241.

3. On August 13, 2021, the Oversight Board filed the *Notice of Correspondence Regarding Notices of Intent to Participate in Discovery* [ECF No. 17812] (the “First Notice”), submitting to the Court the completed Notices of Intent to Participate in Discovery it had received as of the First Notice’s filing date. On August 20, 2021, the Oversight Board filed the *Second Notice of Correspondence Regarding Notices of Intent to Participate in Discovery* [ECF Nos. 17901-17905] (the “Second Notice”), submitting to the Court the completed Notices of Intent to Participate in Discovery it had received as of the Second Notice’s filing date.

4. Since the filing of the First and Second Notices, the Oversight Board has received via mail additional completed Notices of Intent to Participate in Discovery, which are attached hereto as Exhibits 1-30, and 32-50.^{3,4} The Debtors respectfully request that the Court take notice of the foregoing.

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³ Exhibit 31 was intentionally omitted.

⁴ Exhibits 32 and 33 were received before August 15, 2021. The remaining exhibits were received after August 15, 2021.

Dated: September 6, 2021
San Juan, Puerto Rico

Respectfully submitted,

/s/ Martin J. Bienenstock

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CERTIFICATE OF SERVICE

I hereby certify that, on this same date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notifications of such filing to all CM/ECF participants in this case.

/s/ Hermann D. Bauer
Hermann D. Bauer